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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,907	12/30/2003	David S. Taylor	59130US002	7412
32692	7590	09/28/2006	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			PATEL, TAJASH D	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,907

Applicant(s)

TAYLOR ET AL.

Examiner

Tejash D. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/15/05 (Pre-Amdt).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-65 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-25 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/7/04 & 6/13/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsherif et al. (US 5,564,124) in view of Curlee (US 4,756,306). Elsherif et al. (hereinafter Elsherif) discloses a belt including a main belt portion (112) having a back section, a left section, a left connective section between the back and left side sections, a right section and a right connective section between the back and right side sections that inherently has a belt buckle portion with a right piece attached to the right side section and a left piece connected to the left side section of the main belt portion. Further, the main belt portion has a generally conical shaped being worn about the waist/pelvis-girdle to align a respiratory protection component (11) over the lumbar region of the user's spine to distribute a weight of the component around the pelvis that is secured to the main belt portion by a mounting clip (58) as shown in figure 2. However, Elsherif does not show the back section of the main belt portion being the widest.

Curlee discloses a belt having a back section, a left section, a left connective section between the back and left side sections, a right section and a right connective section

between the back and right side sections that has an adjustable belt buckle portion (16). Further, the back section of the main belt portion is the widest as shown in figure 1. Also, the belt is provided with a clip (42) the is adapted to hold a respiratory component (36) as shown in figure 4.

It would have been obvious to one skilled in the art at the time the invention was made to form the belt of Elsherif with a back section being widest portion of the main portion of the belt as taught by Curlee so that respiratory component or any other desired items is comfortably carried on the belt by minimizing strain on the back or depending on the particular application thereof.

Further, with regard to claims 10-25, it would have been obvious that the belt of Elsherif when viewed with Curlee can be made of any desired material that was available at the time the device was made or as required for a particular end use thereof.

3. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elsherif in view of Curlee as applied to claim 1 above, and further in view of Patel (US 6,619,286). Elsherif discloses the invention as set forth above except for showing the belt having a connection section with a plurality of hinges.

Patel discloses a waist belt (14) fastened by a buckle that has a respirator (11) secured thereto as shown in figure 1. Further, the respirator is connected to the belt by a connection section/bracket (24) having a plurality of hinges (24a) which allows the respirator to be pivotally moved relative to the bracket and in response to movement of the user, col. 4, lines 11-16.

It would have been obvious to one skilled in the art at the time the invention was made to provide the belt of Elsherif when viewed with Curlee having a connection section with a plurality of hinges as taught by Patel so that the weight of the respirator component is ergonomically distributed about the pelvis when the belt is worn or depending on the end use thereof.

Allowable Subject Matter

4. Claims 3 and 4 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 26-51 are allowable because the prior art does not teach or suggest a main belt portion releasably fastened about the waist having a back/lumbar section being the widest along the main belt portion that is shaped to promote a sacral angle of the pelvis and spine of about 30 degrees, and having a mounting clip for mounting a respiratory component to the main belt

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portion. Also, claims 52-65 are allowable because the prior art does not teach or suggest a main belt portion releasably fastened about the waist having a back/lumbar section being the widest along the main belt portion that is shaped around the pelvic girdle by having a mounting clip for mounting a respiratory component over the lumbar region of the spine to the main belt portion at an ideal inclination of approximately 15 degrees in order to distribute the weight of the component around the pelvis.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.



TEJASH PATEL
PRIMARY EXAMINER

September 22, 2006